

JUL 27 2009

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Richard Richley et al. )  
Application No. 10/518,423 )  
Filed: December 17, 2004 ) Group Art Unit: 3774  
For: DEVICES AND METHODS FOR )  
MINIMALLY INVASIVE TREATMENT )  
OF DEGENERATED SPINAL DISCS )  
Examiner: Alvin J. Stewart ) Attorney Docket No. TDYNE-305

**RESPONSE AND AMENDMENT UNDER RULE 116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is submitted in response to the Office Action dated April 27, 2009 on the above-identified application. Reconsideration of this application is requested.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this document.

Remarks begin on page 3 of this document.